

Lead Case No. MD 16-2695 JB/LF

**PLAINTIFFS' MEMORANDUM MOTION TO
QUASH SUBPOENA AND FOR A PROTECTIVE ORDER**

EXHIBIT F

Matt Schultz

From: Matt Schultz
Sent: Friday, May 24, 2019 10:52 AM
To: 'dmmonde@jonesday.com'; Peter Biersteker
Cc: Mary Lycus; Melissa Weiner (Mweiner@pswlaw.com)
Subject: RE: Pearson Underlying Facts & Data

FYI, I just received word Johns Hopkins legal is insisting on a subpoena as well. I asked for the address and contact info where the subpoena should be sent and I will forward that if received. Matt

From: Matt Schultz
Sent: Friday, May 24, 2019 10:30 AM
To: 'dmmonde@jonesday.com'; Peter Biersteker
Cc: Mary Lycus; Melissa Weiner (Mweiner@pswlaw.com)
Subject: Pearson Underlying Facts & Data

David/Peter: Nothing has changed since my email earlier this week, which I paste below for your convenience. I have emailed Pearson to see if she has heard further from Meghan Moran/Johns Hopkins re the data underlying that study.

The FTP you will receive should be self-explanatory, but I've added notes below in red just in case.

Study #1: Pearson JL, Richardson A, Feirman SP, et al. American Spirit pack descriptors and perceptions of harm: a crowdsourced comparison of modified packs. Nicotine Tob Res. 2016;18(8):1749-1756. Data, code and output are with Truth Initiative. Hence, no production from us on this study.

Study #2: Pearson JL, Johnson A, Villanti A, et al. Misperceptions of harm among Natural American Spirit smokers: results from Wave 1 of the Population Assessment of Tobacco and Health (PATH) Study (2013-2014). Tob Control. 2017;26(e1):e61-e67. I have obtained the code from co-author Amanda Johnson at U. Michigan, but the data and output belong to NAHDAP and they will not voluntarily relinquish due to confidentiality concerns. There is a public dataset that should allow defendants to recreate what the authors did; but if defendants want the actual data and output they must address with NAHDAP at U.Mich. There will be a subfolder titled <Misperceptions of Harm - Code> containing the two code files that were provided from Moran to Pearson.

Study #3: Pearson JL, Moran M, Delnevo CD, Villanti AC, Lewis MJ. Widespread belief that organic and additive-free tobacco products are less harmful than regular tobacco products: results from the 2017 US Health Information National Trends Survey. Nicotine Tob Res. 2019 [epub ahead of print]. Pearson has and will provide all data, code and output to me and I will produce. There will be a subfolder titled <Widespread Belief - Data Code & Output> containing Pearson's materials for this study.

Study #4: Pearson et al (in preparation) – experimental study of 2,650 US adults. Truth Initiative owns and possesses all data, code and output. I corresponded with GC Bob Falk last week and he authorized me to advise defense counsel that TI considers the data, code and output proprietary and confidential and cannot release it without legal compulsion and a suitable protective order. Hence, no production from us.

Study #5: Moran MB, Brown J, Lindblom E, et al. Beyond 'natural': cigarette ad tactics that mislead about relative risk. Tob Regul Sci. 2018;4(5):3-19. Co-author Meghan Moran indicated she has access to the data/code/output and is collecting, but I imagine she needs to talk to Johns Hopkins legal to get authorization. I will try to follow up on this tomorrow. Awaiting further word from Moran. Nothing in hand as of yet. We will produce anything turned over to us and advise if they refuse to turn anything over.

As for articles, etc., Pearson has provided to me (as has Dewhirst) and I will get it to you Friday. All cited materials will be included (except the stuff we agreed need not be disclosed, e.g., tobacco docs, SGRs, etc.)